

## CHARGE AGAINST ARBUCKLE RECEIVED TO MANSLAUGHTER; RELEASED ON \$5,000 BAIL

**Judge Lazarus Decides That Evidence Introduced Did Not Warrant Comedian's Being Held For Murder—Concludes That No Attempted Rape Was Committed by the Defendant—Accused Heard the Decision Without Movement or Comment, But His Wife Collapsed and Had to Be Held Up—As Court Adjourned a Dozen Women Rushed Forward to Shake Arbuckle's Hand—Arraignment For Manslaughter Has Been Set For October 3.**

San Francisco, Sept. 28.—The murder complaint against Roscoe C. "Fatty" Arbuckle was reduced to manslaughter today by Police Judge Sylvain J. Lazarus, who held him to answer to the superior court for trial on the lesser charge growing out of the death of Miss Virginia Rappe following a drinking party in Arbuckle's hotel suite here.

Judge Lazarus held that the evidence introduced by the district attorney during the six day hearing did not warrant the comedian's being held for murder. Miss Rappe, a Los Angeles motion picture actress, died September 9, four days after the affair in Arbuckle's room.

"I have decided to make a holding for manslaughter, finding there is enough in the defendant's conduct to warrant his trial on that charge," said Judge Lazarus.

"I feel no rape or attempted rape was committed by the defendant on Miss Rappe," he said.

"I feel also bound by the grand jury verdict in favor of manslaughter as charged after having no evidence that it was committed."

Arbuckle heard the decision without movement or comment.

The district attorney moved that Arbuckle be released on his own recognizance in view of the bail of \$5,000 cash or \$10,000 bonds fixed in the superior court charge of manslaughter, growing out of a grand jury indictment.

Arbuckle was released from the city prison tonight on \$5,000 cash bail.

While the formalities of bail were being arranged, Arbuckle went back to the city prison where he has been for the last 18 days.

Coming out of his cell with an over-riding coat of clothing, his face took on a more cheerful look. After he had pulled the clothes into a suit case, newspaper photographers started to take pictures of him and a smile began to creep over his countenance.

"I can't," he replied. "It's the other Arbuckle that does that."

Arraignment of Arbuckle on the grand jury manslaughter charge has been set for October 3, on the charge of manslaughter, today by Judge Lazarus.

Arbuckle had been incarcerated since September 19 when a charge of murder was sworn out against him by Mrs. Rappe. This charge is now reduced to manslaughter and Arbuckle was released on his own recognizance to answer it. The charge on which he furnished bail was a manslaughter indictment returned against him by the county grand jury.

Arbuckle remained in the prison several minutes after his release, chatting with his brother, A. C. Arbuckle of this city. He did not announce his plans.

As court adjourned a dozen women rushed forward to shake Arbuckle's hand. As he went into the judge's chambers his wife, Mrs. Minta Durfee Arbuckle, collapsed, and she lay up and quivered in an affectionate manner. Her mother, Mrs. Flora Durfee, meanwhile escorted the half back from the comedian's freedom.

The well known Arbuckle smile did not appear, however, and he merely said "Thank you" in response to the handshakes and greetings of congratulations, from various people.

Assistant District Attorney Milton T. Hays and Isadore Golden asked Judge Lazarus if he placed no credence in Miss Rappe's cry "He hurt me," or the screams heard by the hotel maid, but the judge said they were not sufficient to implicate Arbuckle in the commission of a crime. The district attorney's aide also contended that the court could only hold the defendant to answer for murder or manslaughter case altogether, but Judge Lazarus said that was not his understanding of the law.

"We need not disguise the fact that this is an important case," he said. "In my opinion we are not trying Roscoe Arbuckle alone, the screen celebrity who has given mirth to the whole world. We are, in a sense, trying ourselves, our morals, our present day social standards. The question is larger than the guilt of this unfortunate, it is a universal issue."

"The affair was the culmination of an orgy at one of our leading ballrooms, every unrepressed by the management is, I take it, a common thing in our big cities."

"I had really hoped that this court would be the means for full and complete revelation of all the facts so the public of the entire world would have the opportunity to ascertain this widely known defendant's guilt or innocence."

"The testimony heard shows that during the whole afternoon there went on, let us charitably say, festivities. Men and women were coming and going so that witnesses are unable to say who were the occupants at any particular hour."

"Much liquor was drunk and the complaining witness in particular was in an inebriated condition."

"Miss Rappe, according to the picture I have tried to draw of the event, went into room 1219 of this hotel, followed by the defendant."

"They remained in there about three quarters of an hour, according to Miss Rappe's testimony. No sounds were heard by the rest of the party."

"Then the complaining witness and Miss Rappe made clamor at the door, which was opened by the defendant, and where two ladies entered the room."

"They found Miss Rappe on a bed,

## Record 40,800 Feet Lieut. John A. MacReady Was Making Test of Super-Charger at McCook Field, Ohio.

Dayton, Ohio, Sept. 28.—Lieutenant John A. MacReady, test pilot at McCook Field, today shattered the world's altitude record, attaining a height of 40,800 feet in the same La Perre biplane used by Zudolph C. Schroeder, who set a record of 35,150 feet on February 28, 1920.

Lieutenant MacReady was in the air one hour and 47 minutes, requiring all but a few minutes of the total being spent in reaching his mark. At 30,000 feet he formed on his oxygen tank but he pressed on until the altimeter registered 41,000 feet. At this point his engine coughed and died. He then glided safely to the ground.

MacReady's new record is 3,650 feet higher than that of Schroeder, and in this flight the pilot suffered none of the hardships met by the former chief test pilot. Schroeder's eyeballs froze and excessive dilation of the heart kept him in a hospital nearly two weeks after the flight.

The flight was today primarily for the purpose of testing improvements made on the super-charger invented by S. A. Moss, who witnessed the flight, and also a new propeller of very high pitch, perfected by engineers at the local field.

On landing, MacReady declared he suffered nothing but numbness. He climbed out of the plane unassisted and posed for several photographs immediately.

Lieutenant George B. Patterson, chief of the technical data section of the field took charge of MacReady's instruments as soon as accumulated ice was cleared from the ship's altimeter. It registered the official altitude as 40,800 feet.

Accumulation of ice on the plane at 30,000 feet caused one oxygen tank to stop functioning but auxiliary tanks provided for just such an emergency were brought into use and safety of the pilot assured.

MacReady was clothed in the heaviest fur with hand and foot coverings, and was electrically heated throughout.

A centrifugal air compressor operated by a gas turbine forms the super-charger which made the flight possible. The turbine derives its power from the hot exhaust gas of the Liberty motor with which the ship is equipped and air thus compressed is fed to the carburetor at the same pressure as air at sea level.

The biplane was designed in January, 1918, by Captain La Perre, a French aviator, while working under direction of the United States government.

**U. S. MARINES IN MOK BATTLE AT CHANCELLORSVILLE**

Fredericksburg, Va., Sept. 28.—Encamped tonight on the heights north of Wilderness, Creel with over 100 men, practically the same vantage points as those engaged in the Battle of Chancellorsville and other desperate struggles of the 60's the marine expeditionary force was ready to go over the top.

"There is enough in the defendant's actions in the affair, however, to warrant a manslaughter charge, and I will hold him on this. I feel that no rape, or attempted rape, was committed by the defendant."

**DISTRICT ATTORNEY CRITICIZES JUDGE LAZARUS' DECISION**

San Francisco, Sept. 28.—Assertions that Police Judge Sylvain Lazarus treated the case of Roscoe (Fatty) Arbuckle differently from the usual case, were made in a long statement issued tonight by District Attorney Matthew A. Brady.

The statement quoted what purported to be the exact words of Judge Lazarus with the assertion that it was indicative of his attitude.

"If Roscoe Arbuckle were unknown and unimportant," Brady's statement declared, "he would have been held for murder. Judge Lazarus plainly stated that more evidence would be required in this case than in any other case for the reason that the defendant was an important celebrity."

Brady's statement quoted Judge Lazarus as having said in court today: "The district attorney has attempted to give me the impression that the proof required in this present case warrants a holding, should not any further than would be required or necessary in any other case. I say that this is really an important case; we need not disguise that fact or beguile ourselves into the idea that we are handling here just the ordinary trivial case, if you wish to put that way, which frequently comes up in the police court."

The district attorney declared Judge Lazarus' action in holding Arbuckle for manslaughter to be "wholly mystifying."

"Judge Lazarus took the view that the killing of Virginia Rappe may have resulted from a wholly innocent and trivial act, and said the defendant may have been under the impression that the proof required was no more than a simple battery. It is true that the defendant did commit an act of battery upon Virginia Rappe, but the testimony shows he did a great deal more and that these acts were entirely felonious in their nature."

"In holding the defendant to answer upon the charge of manslaughter, Judge Lazarus admits that the evidence showed that the defendant was criminally responsible for the death of Virginia Rappe."

"If the defendant was criminally responsible for her death, he should have been tried for murder and not for manslaughter. It is entirely immaterial that he did not intend to kill her."

"Insofar as the amount of proof is concerned, the law makes no distinction between 'important' cases and 'trivial' cases. Neither does the law in its treatment of men make any distinction between 'important' defendants and 'trivial' defendants."

**TO ARBITRATE JOB PRINTERS' SCALE FOR NEW YORK CITY**

New York, Sept. 28.—Possibility of an open shop fight in book and job printing plants here, was removed tonight with the announcement by John Hayes, secretary treasurer of the International Typographical Union, that the local union of "big six" would arbitrate the new wage scale replacing the present scale expiring October 1.

"There will be no trouble in New York," Mr. Hayes said after a conference with representatives of the New York Employing Printers' association.

The controversy arose over the printers' demands for an increase of \$2 over the present scale of \$50 and the insistence of the publishers on a \$10 reduction.

## BRIEF TELEGRAMS

Vienna dispatch to Berlin says fighting has broken out between Hungarian and Czechoslovakian irregulars.

Three forest fires are raging in the Black Hills, South Dakota. The situation is reported critical.

Tenth annual convention of Investment Bankers' Association will be held in New Orleans Oct. 31 to Nov. 2.

The Austrian crown fell to a point where the dollar purchased 2,500 of them and the pound sterling 10,000.

What is believed to be the skeleton of a pre-historic dipodocus was dug up by workmen employed on the Jefferson highway, ten miles south of Fort Scott, Kan.

Insurance risks on automobiles were cut 50 per cent. in most cases at the annual meeting of the National Automobile Underwriters conference in New York.

King Victor of Italy, conferred the decoration of Grand Officer of the Crown of Italy on Otto H. Kahn, American banker.

The annual convention of the National Wholesale Druggists Association elected twenty-eight applications for membership out of a total of thirty-three.

No change in the directorate was made at the annual meeting of the Connecticut Railway & Lighting Company held in New Haven.

President Harding issued a proclamation calling upon governors of the states to designate Oct. 19, anniversary of Chicago fire, as Fire Prevention Day.

King Alexander of Jugoslavia, who has been ill at Versailles, France, was much improved. He took a walk in the park.

H. C. Smith, of Venita, Okla., and E. R. Kingsbury, of Los Angeles, were killed by a train at Delmore, Okla., Sept. 24, the state department was advised.

Senator Robinson, democrat, of Arkansas, who just returned from Europe, says there is an organized sentiment for canceling war debts owed to the United States in France, Belgium and Italy.

A registered mail pouch containing \$5,000 was rifled of its contents after it was dispatched from Ashburn, Ga., to Macon. Post office inspectors saw no trace of the money has been found.

A fine of \$35 was imposed by Judge G. E. Hinman in New Haven on Antonio Amelinda whose automobile killed Carrie L. Ebo of West Haven in Kimberley avenue, July 23.

William Young, 35, assistant foreman for the Hartford Gas Company, of a construction gang on a new tank, Manchester, fell from a staging today and was killed. He lived in Hartford.

A Filipino lieutenant of the constabulary and two Moros were killed in a fight between a detachment of the constabulary and a band of Moros at Parang, on the island of Jolo.

Tolls received from commercial vessels passing through the Panama Canal during August totaled \$955,330, compared with \$865,592 in July, and \$926,265 for the same month last year.

Fire destroyed three of four buildings of the Stowell Manufacturing Co. of Jersey City. The fourth building containing valuable machinery was saved. The loss is estimated at \$250,000.

News of the death of Bishop Walter R. Lambuth of the Southern Methodist church in a hospital at Yokohama, Japan, was received at Nashville, Tenn., by relatives.

Intermarriage of Jews and Christians would prove beneficial to the white human race, was the opinion of Dr. Maurice Fishberg, of New York, expressed at the international congress of eugenicists.

The price of commercial bar silver reached a new high point for the year when it rose to 71 3/4 cents, an advance of three cents over the closing quotation of Monday.

A week end trip into Virginia to witness the fall maneuvers of the marine corps on the Civil War battlefields about Fredericksburg is under contemplation by President Harding.

Reduction in expenses of the national government for the current fiscal year under the new budget law were estimated at \$10,000,000 by Director of the Budget Charles G. Dawes.

The New England Milk Producers' Association announced through its secretary, Richard Patten, that the reduction of one-quarter cent a quart asked by distributors would not be granted.

Primitive B. Sanjurjo, instructor in Spanish at Cornell University, refused to leave Ellis Island when the immigration authorities denied admission to his wife because the September quota for Spanish immigration had been exceeded.

Airplanes and warships joined the Spanish forces in their bombardment of Guernica Monday. The cruiser Alfonso XIII fired more than 400 rounds of high explosives into the ravine and against adjacent peaks.

Thomas W. Page of Virginia, appointed chairman of the tariff commission by President Wilson, has resigned from the chairmanship and his resignation as chairman has been accepted by President Harding.

Henry Martin Jackson, Miss. negro, convicted of murder, whose death sentence is pending on appeal before the supreme court, is being kept in state prison. He was tried for the slaying of Dr. E. P. McCain, deputy state health officer, who was shot when he was wrecked and robbed a passenger train near here in 1915.

425 IN FRESHMEN CLASS OF BROWN UNIVERSITY

Providence, R. I., Sept. 28.—Brown university opened its 158th academic year today. The registration is the largest in the history of the institution, the freshman class numbering 425. A corresponding increase is noted in the women's college entrants. President William H. P. Faunce delivered the opening address at the chapel exercises. He spoke on the relation of the college men to American democracy.

**BILL TO CONTINUE THE EMERGENCY TARIFF LAW**

Washington, Sept. 28.—A bill continuing the emergency tariff law until the permanent bill is enacted was introduced today by Representative Green of Iowa, ranking republican on the ways and means committee. The emergency measure would expire on November 27.

## Probe Requested by the Ku Klux Klan Letters Sent to President Harding and Attorney General Dougherty by William Joseph Simmons.

Atlanta, Ga., Sept. 28.—Letters have been sent to President Harding and Attorney General Daugherty by William Joseph Simmons, head of the Ku Klux Klan, requesting an immediate and thorough investigation by the government into the activities of the organization, according to a statement issued at Klan headquarters here today.

Both letters were signed by Mr. Simmons. It was stated, but were given out by other officials of the Klan. It was said Mr. Simmons was ill with tonsillitis and no action had yet been taken on the demand of E. Y. Clarke, imperial klingle of the order, to be relieved of the office.

In his letter to the president Mr. Simmons declared the Klan would welcome a sweeping investigation by the government into all its activities throughout the country. In the letter to the attorney general he said all records, books and files of the "invisible empire" would be at the government's disposal.

The letter to Mr. Daugherty also declared, "If any so-called outrages, as charged by a small partisan press, have been committed by members of the Ku Klux Klan, we will render every possible assistance to the department of justice in tracing down such alleged outrages and will be glad to fix the guilt on any man or men, members of the Klan or not, who are cowardly enough to threaten, intimidate or molest any force, to take the law into their own hands. We do not teach nor practice class hatred, religious intolerance, racial prejudice, disregard of the law or the enforcement of the law by the individual."

**\$2,000 FINES IN LIGHTHOUSE RUM LANDING CASE**

New Haven, Sept. 28.—The famous Jennie T. rum-landing expedition at Lighthouse Point on July 22 reached the superior court today and while the individual cases growing out of it were not all finished Pearl B. Sperry, Jr., and David Gherione, two leading figures in it, were each fined \$2,000 and costs.

Joseph Miller, captain of the sloop which had been in the sword fishing enterprise and Carl Miller, alias Carl Lunke, the pilot who navigated the craft into the harbor, pleaded not guilty and elected to be tried possibly next week.

August P. Wirz, a cigar maker, who was rounded up that night with the rest, also contests the charge of being engaged in bringing in liquor. The case of J. H. Harnar, a brewer, who was also arrested, was not called.

State Attorney Alling told the court that all the liquor seized had been confiscated and also remarked that the defendants ought to think themselves lucky if no more than a maximum fine was imposed.

Judge Hinman said the time was very close when jail or state prison sentences would be imposed on violators of the prohibition law.

**WOULD STOP IMPERSONATIONS OF KING OR QUEEN IN PAGEANTS**

Washington, Sept. 28.—Any one impersonating a king or queen in a play, pageant or carnival would be liable to a fine of not more than \$10,000 and imprisonment from ten to twenty years under a bill introduced today by Representative Herrick, republican, Oklahoma.

Similar penalties are proposed for producers who engage some one to act like a king or queen.

In Representative Herrick's opinion, those who would disregard his bill, if it were enacted into law, would be "guilty of fostering and promoting ideas treacherous to and in violation of the principles upon which the government of the United States is founded and maintained."

Among half a dozen other unusual measures tossed into the house hopper by Representative Herrick, was a bill designed to fix "standardized wages for labor in all vocations and industries" and standardized prices for all kinds of commodities.

**RETURNING FUNERAL PARTY FIRED UPON AT BELFAST**

Belfast, Sept. 28.—(By The A. P.)—A funeral party returning to this city from London yesterday afternoon was fired upon. One man was killed and three others were wounded.

The funeral was that of one of the victims of last Sunday morning's bombing. The body had been lying in state and the mourners were being performed in the cemetery. When they arrived at the junction of Donegal street and the Falls Road they were confronted by a large crowd, several members of which produced revolvers and fired wild shots. The people scattered but several of them fell as they ran.

Police were immediately rushed to the scene where they remained tonight, but the district still simmers with excitement.

**PABLO PEREZ, MEXICAN BANDIT, SENTENCED TO FORTY YEARS**

Brownsville, Texas, Sept. 28.—Pablo Perez, alleged member of Mexican bandit gangs whose depredations six years ago brought thousands of American soldiers to the Texas-American border, today was found guilty of murder and sentenced to forty years in state prison. He was tried for the slaying of Dr. E. P. McCain, deputy state health officer, who was shot when he was wrecked and robbed a passenger train near here in 1915.

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## UNEMPLOYMENT CONFERENCE IS TO RECONVENE FRIDAY Five Days Earlier Than Had Been Originally Planned—Four Committees Ready to Report—Organized Labor Favors a Federal Employment Service Absolutely Neutral in Labor Disputes—Suggestion is Made That Local Committees Be Formed in Different Cities to Administer Recommendations Adopted by the Conference.

Washington, Sept. 28.—Due to rapid progress by committees in formulating recommendations, the National Conference on Unemployment will begin consideration of a general emergency relief program Friday, five days earlier than had originally been planned, it was announced tonight.

In addition to the report of the manufacturers' committee, upon which agreement has already been announced, recommendations on emergency measures will be reported Friday by the committees on unemployment statistics, employment agencies and registration, emergency public works and construction.

Announcement of the formation of a new committee, on community relief and emergency relief measures, to recommend the best forms of community organizations to carry out the recommendations for decreasing unemployment, was made today by the secretary. This was said to have developed from indications developing in the deliberations of the conference that the immediate problem of finding work for the idle was for the individual communities to handle.

The suggestion, it is understood, has also been made that local committees should be formed in the cities and adopted sections of the country, to administer the recommendations adopted by the conference.

Public hearings today were devoted to the question of employment service and the relative merits of public and private agencies. The majority of the witnesses favored the use of public agencies, either municipal, state or federal.

**STRIKING MINERS TO BE ORDERED BACK TO WORK**

Indianapolis, Ind., Sept. 28.—Alexander Howat, president of the Kansas Coal Miners was directed today by the vote of a convention of the United Mine Workers of America to order strikers at two Kansas mines back to work, but immediately after the convention's decision he declared he would not carry out the order. No announcement was made by the union officials what steps, if any, would be taken to enforce the decision.

In voting, the convention had before it Howat's assertion that he would be expelled from the union before he would obey by Howat. All of the union administration element was lined up behind Howat, but the roll call showed an unofficial majority of 926 for the order, the vote being 2,701 to 1,775. Howat's opposition to the order was in vain.

Supporters of the order were quick to support operators seeking to violate contracts with miners by imposing new working conditions, but President Lewis declared the issue was whether the union would stand up to the fulfillment of its contracts.

Only six of the 27 districts in the union stood by Howat, who gained his greatest support by carrying the big Illinois delegation 875 to 55.

**BANKRUPTCY PETITION \$10,000 LIABILITIES, \$365 ASSETS**

Boston, Sept. 28.—Bertha Berman, a bookkeeper, filed a petition in bankruptcy today with liabilities of \$10,000 and assets of \$365. The Cosmopolitan Trust company, now closed, was the only creditor named, with a note for \$10,000 secured by 987 shares of the bank's stock. New England Lumber company, the value of the collateral on which the loan was received was given at \$1.

A petition also was filed by Bertha Alling of Lynn, a stenographer, with liabilities of \$15,000 and no assets. Her liabilities were secured by accommodation paper held by the Cosmopolitan Trust company.

**KYLE REELECTED PRESIDENT ARMY AND NAVY LEGION**

Boston, Sept. 28.—Patrick J. Kyle of this city was re-elected president of the Army and Navy Legion of Valor, at the closing business session of the annual convention here today. Lieutenant Colonel Charles W. Whiting and Captain John McCloy, both of New York, were elected senior and junior vice presidents.

The legion voted to admit holders of Distinguished Service Crosses to membership, previously restricted to those awarded congressional medals of honor. A proposition to make lineal descendants of medal of honor men eligible to first class membership was disappointed.

**BIANDI TO SAIL FOR UNITED STATES NOVEMBER 1**

Paris, Sept. 28.—(By The A. P.)—Premier Briand, it was announced this afternoon, now has decided to sail for the United States on the steamer Lafayette, sailing probably on November 1, to attend the conference in Washington on Far Eastern questions and limitation of armaments. With him will go the entire French delegation to the conference and its staff.

Mr. Briand's chief naval adviser will be the Vice Admiral Gresset, chief of the French naval general staff, and his principal military adviser will be Marshal Foch. Maurice Casanova, director general of French interests in the United States, is expected to be secretary of the delegation.

**GEORGE G. RORKE BEFORE FEDERAL GRAND JURY**

Trenton, N. J., Sept. 28.—George Gordon Rorke, who was charged with the slaying of a man in Ireland, was before the federal grand jury for some time here today in connection with the discovery last June of 195 machine guns in the bunkers of the steamer East Side. It was impossible to learn the nature of Rorke's testimony, if he gave any.

According to his counsel he had been advised to give no testimony before the grand jury because of the charge against him and because it might prejudice his own case.

**OBITUARY**

Clement L. Brumbaugh

Columbus, O., Sept. 28.—Former Congressman Clement L. Brumbaugh, of Ohio, died at his home here today of bright's disease. He served four successive terms in congress as representative from the 12 Ohio district, retiring March 4 last. He was 54 years old.

**FIRE DESTROYED MAMMOTH DEPARTMENT STORE IN PARIS**

Paris, Sept. 28.—(By The A. P.)—Fire that burned from early this morning until the middle of the afternoon destroyed all but the walls of the new Magnin-aux-Printemps, a department store building covering an entire block of 260 by 250 feet and valued at 25,000,000 francs, with a stock estimated at 10,000,000 francs. The loss is fully covered by insurance. Two thousand persons were employed in the store, which was in the heart of the business district of Paris.

**MILK PRODUCERS AND DEALERS HAVE COMPROMISED**

Onceen, Conn., Sept. 28.—The Eastern Connecticut Milk Producers' association which ships fifty thousand quarts of milk daily to Boston and Providence, today announced that a compromise had been reached with the milk dealers of those cities whereby the association will receive nine cents a quart for milk during October. An increase to ten cents a quart had been asked by the association.